IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 662 OF 2005

The All India Postal Employees
Union Postmen and Group D & Ors. .. Appellants

Vs.

Mr. Ashok Sambhaji Pawar & Anr. .. Respondents

Mr. K.R. Jagdale for appellants.
Mr. Manoj Mhatre h/f Mr. S.B. Prabhavalkar for Respondents.

CORAM: B.H. MARLAPALLE, J.
Date : October 03, 2005.

P.C.:

1. Heard Mr. Jagdale the learned counsel for the appellants-Union. This appeal arises from the order dated 6/11/2004 and 31/1/2005 passed by the learned Judge of the City Civil Court at Mumbai in Notice of Motion No.2718 of 2004 filed in S.C. Suit No.3248 of 2004. Mr. Jagdale now states that the Written Statement filed by the present appellants is taken on record by the trial court and, therefore, the only grievance that remains is about the order dated 6/11/2004 making the Notice of Motion absolute in terms of prayer clause (a). By the said order the defendant no.1 was restrained from holding conference

under Article 50(i) of the Constitution of All India Postal Employees Union Postmen & Group D scheduled on 15/7/2004. The temporary injunction order was against a specific conference scheduled on 15/7/2004 and, therefore, the challenge raised in this appeal against the order dated 6/11/2004 has become stale.

2. In fact, the main question before the trial court would be regarding the maintainability of the main suit itself, more so when the disputes between the two rival Trade Unions are required to be agitated under the Trade Union Act 1926 and the Rules framed thereunder. The learned counsel for the respondents on the other hand states that there may be possibility of the plaintiffs withdrawing the suit by applying to the trial court.

3. May that as it be, this appeal is disposed off as being stale with the passage of time.

(B.H. Marlapalle,J.)